

Department of Public Health
and Human Services

Section:
NONFINANCIAL REQUIREMENTS

TANF CASH ASSISTANCE

Subject:
Child Support Payments and
Collections

Supersedes: TANF 306-3 (07/01/03)

References: 45 CFR 264.30, ARM 37.78.102 and .215; House Bill 529 (2005 Legislature)

GENERAL RULE—Child Support payments collected by the Child Support Enforcement Division (CSED) or paid directly to the applicant or participant must be evaluated for their impact on program eligibility and/or grant amount.

**PAYMENTS TO
APPLICANTS**

Child support paid to and received by the applicant in the month of and prior to authorization of benefits and/or the first payment, is counted as unearned income in its entirety for purposes of determining eligibility and/or grant. See TANF 501-1.

**CHILD SUPPORT
SUPPLEMENT
PAYMENTS**

House Bill 529 provides that a child support supplement payment will be issued to TANF families, using TANF block grant funds. The amount is based on **current** child support collected from a non-custodial parent. This payment will be an amount equal to the amount of current child support collected, **up to but not exceeding, \$100.00 per month per TANF household**. The Eligibility Case Manager is not required to take any action on TEAMS for TANF or Medicaid. **(See Section 704-3)**

**PAYMENTS TO
PARTICIPANTS
FROM
NON-CUSTODIAL
PARENT**

If the participant receives a child support payment from the non-custodial parent after the authorization of benefits, these payments must be turned over to the State. This is to offset the cash grant paid by the State. The payment may be submitted to the local OPA. The local OPA must follow the division cash management policy and send the payment to:

ATTN TAPP, CSED
P O Box 5955
Helena, MT 59620

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If the payment is turned over, it is not counted in the determination of eligibility or grant. However, if the participant keeps the child support payments after benefits are authorized, the **Eligibility Case Manager establishes an overpayment** for the entire amount of the child support kept by the participant. A referral is made to Claims and Recovery for an evaluation for an Intentional Program Violation (IPV). Case note circumstances in CASE NOTES (CANO).

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**IN EXCESS
PAYMENTS**

The child support amount collected by CSED for current monthly support which is greater than the grant amount for that month is considered an "in excess" payment.

This "in excess" payment is retained by the State when the State has not been reimbursed for past cash assistance. Child support due and owing is called arrears. If there are arrears owing, the State keeps the "in excess" of the current payment to reduce the amount of debt owing.

When the State has been reimbursed for past cash assistance, the excess would be returned to the non-custodial parent. The reason is CSED is limited to collecting the court ordered support or the amount of public assistance paid, whichever is less.

≥CHSS SCREEN

Child support payment history appears on the CHSS (Child Support Summary) screen. **To determine what payments the non-custodial parent is making, the Eligibility Case Manager should review this screen. CHSS needs to be reviewed at application, FIA/EP renewal, redetermination and when circumstances change that may affect the amount of child support paid on behalf of the children. (Example, CSED reevaluates income and increases child support obligation).**

When the collections are regular and closely match the amount of the TANF cash assistance payment, this should be discussed with the participant. When the amount of collected support exceeds the amount of the TANF cash assistance payment for 3 consecutive months, the case should be closed unless the payments are not expected to continue.

**"IN EXCESS"
PROCEDURE**

Eligibility Case
Manager**ACTION**

1. Inquire on the CHSS screen and evaluate child support payment history. If history indicates consistency in amount and timeliness of payments, prospectively enter the full child support payment on UNIN.
2. Enter all other pertinent information to determine continued eligibility.
3. If the assistance unit passes eligibility, discuss this with the participant. If the participant wants to continue receiving TANF cash assistance, remove the child support payment from UNIN. The payment must be removed because the family doesn't receive it; CSED does. Authorize benefits.

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4. If the unit fails eligibility, close the case. Send timely notice. CSED is notified of closure via SEARCHS/TEAMS interface and will direct future child support payments to the family.

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CHSS

CHILD SUPPORT SUMMARY

01/28/03 09:50:51
LISA B

TEAMS CASE NO: 123456 TEAMS CASE NAME: JONES, MOM
SEARCHS CASE WKR NAME: PHILLIPS CHERI
SEARCHS OFFICE: 1610 SOUTH 3RD WEST, STE 201 MISSOULA
SEARCHS TELEPHONE NO: 4063297910

SEARCHS REG: 05
MT 598010000

| BENEFIT MONTH | AFDC BENEFIT AMOUNT | SUPPORT ORDERED | AMOUNT PAID | IN EXCESS AMOUNT |
|------------------|------------------------|--------------------|----------------|---------------------|
| 01/03 | 507.00 | 584.50 | 429.26 | |
| 12/02 | 507.00 | 584.50 | 562.26 | |
| 11/02 | 507.00 | 584.50 | 584.50 | |
| 10/02 | 507.00 | 584.50 | 562.26 | |
| 09/02 | 507.00 | 584.50 | 562.26 | |
| 08/02 | 507.00 | 584.50 | 523.69 | |
| 07/02 | 507.00 | 584.50 | 562.26 | |
| 06/02 | 494.00 | 584.50 | 584.50 | |

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